City of Lafayette Staff Report

For: City Council

By: Christine Sinnette, Senior Planner

Date Written: March 13, 2009

Meeting Date: March 23, 2009

Subject: **GP02-08, CITY OF LAFAYETTE (APPLICANT), ANNA MARIA DETTMER TRUST, MICHAEL & SARA KIM, ZBIGNIEW NAGLICKI LIVING TRUST, STATE OF CALIFORNIA (OWNERS):** Initiate proceedings to amend General Plan Map I-1 to reclassify four properties (APN 232-140-004, 232-140-010, 232-140-016, and 232-150-021) located on Deer Hill Road from Low Density Single Family Residential to Rural Residential Single Family and one property (232-140-014) on Deer Hill Road from Administrative/Professional/Office/Multifamily Residential to Rural Residential Single Family. The City may also consider initiating proceedings to amend General Plan Map I-1 to reclassify two properties (APN 232-150-027 and 232-150-028) located on Deer Hill and Pleasant Hill roads from Administrative/Professional/Office/Multifamily Residential to Rural Residential Single Family and/or Low Density Multifamily Residential.

RZ02-08, CITY OF LAFAYETTE (APPLICANT), ANNA MARIA DETTMER TRUST, MICHAEL & SARA KIM, ZBIGNIEW NAGLICKI LIVING TRUST, STATE OF CALIFORNIA (OWNERS): Initiate proceedings to change the zoning designation for four properties (APN 232-140-004, 232-140-010, 232-140-016, and 232-150-021) located on Deer Hill Road from R-20 to L-R-10 and one property on Deer Hill Road from APO to L-R-10. The City may also consider proceedings to initiate rezoning two properties (APN 232-150-027 and 232-150-028) located on Deer Hill and Pleasant Hill roads from APO to L-R-10 and/or MRP and/or MRT.

Background

Planning Division staff have been working on City-initiated General Plan and zoning amendments (GP03-04 and RZ02-04) for seven properties in the Eastern Deer Hill Road area. See Attachment 1 – Parcels and Ownership and Attachment 2 – General Plan and Zoning Designations. After several years of public hearings and preparation of special studies and reports, the Planning Commission was unable to develop a consensus on what the proposed General Plan and zoning designations for five of the seven parcels should be. See Attachment 3 – Chronology. On October 9, 2008, the City Council and Planning Commission held a joint public meeting on the matter. By unanimous vote of the City Council, staff was directed to initiate a change of zoning for parcels 232-140-004, 232-140-010, 232-140-014, 232-140-016, and 232-150-021 to LR-10 (with corresponding General Plan designations) and to work with the property owner of parcels 232-150-027 and 232-150-028 on the terms of a development agreement and return to the City Council in three months with a status report. See Attachment 4 – City Council meeting minutes. Based on the Council's directions, GP03-04 and RZ02-04 were subsequently withdrawn by staff and replaced with the current applications, GP02-08 and RZ02-08.

Purpose of Meeting

The purpose of this meeting is to provide the City Council with a status report, provide direction to staff to initiate proceedings for the amendment of General Plan and zoning designations, and to comply with Government Code section 66474.2(b), which allows the City to apply any ordinances, policies or standards enacted or instituted as a result of these proceedings, which are in effect on the date the City approves or disapproves a tentative map, rather than the date the City determined the map application complete.

In October 2008, and January and February 2009, the City Attorney and staff met with the property owner and/or her representatives to discuss a development agreement. One of the meetings included a development company interested in purchasing all four of the Dettmer properties. Ms. Dettmer's representatives indicated she was not interested in pursuing a development agreement without a guarantee of a minimum level of development (as yet unspecified) and was not interested in preparing a specific plan or providing any other preliminary development plan. Given this outcome, staff is requesting direction on how to proceed with the remaining two parcels identified as 27 (232-150-027) and 28 (232-150-028) owned by Anna Maria Dettmer Trust and currently zoned APO.

Project Description

The project description for the current applications GP02-08 and RZ02-08 is identified in Table 1.

Table 1
Proposed General Plan and Zoning Designations

Properties	Property Owner	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning
232-140-0**04**	Naglicki	Low Density Single Family Residential	R-20	Rural Residential Single Family	LR-10
232-140-0**10**	Dettmer Trust	Low Density Single Family Residential and Rural Residential Single Family	Split R-20 & LR-10	Rural Residential Single Family	LR-10
232-140-0**14**	Caltrans	Administrative/Professional/ Office/Multi-family	APO	Rural Residential Single Family	LR-10
232-140-0**16**	Dettmer Trust	Low Density Single Family Residential and Rural Residential Single Family	Split R-20 & LR-10	Rural Residential Single Family	LR-10
232-150-0**21**	Kim	Low Density Single Family Residential and Rural Residential Single Family	Split R-20 & LR-10	Rural Residential Single Family	LR-10
232-150-0**27**	Dettmer Trust	Administrative/Professional/ Office/Multi-family	APO	TBD	TBD
232-150-0**28**	Dettmer Trust	Administrative/Professional/ Office/Multi-family	APO	TBD	TBD

Discussion

Prior to moving forward with the environmental review process for the GP and RZ applications, the proposed designations for parcels 27 and 28 must be determined.

Parcel 27 is a 22.26-acre lot physically divided by a drainage channel and topography into a 20.49± acre "upper" portion west of a northwest/southeast trending drainage channel and a 1.76± acre "lower" portion adjacent to Pleasant Hill Road. The property is highly visible from many off-site locations and about one-third of the upper portion is located within a Class I ridgeline setback (see Attachment 5). If zoned residential it would be subject to Chapter 6-20 – Hillside Development.

Parcel 28 is a 1.91-acre site located adjacent to Pleasant Hill Road. It is relatively level adjacent to the roadway then slopes steeply to the west. If the property were zoned residential, it would be subject to Chapter 6-20 – Hillside Development. This parcel is entirely within a Class I ridgeline setback (see Attachment 6).

One of the studies requested by the Planning Commission was preparation of average slope calculations. When reviewing applications for the subdivision of property within the Hillside Overlay District, allowed density is determined based on the average slope of the property rather than the underlying zoning designation. The reasoning is that the steeper the slope, the less carrying capacity the land has and density should be reduced accordingly. Section 6-2043(a) of the hillside regulations contains a "slope vs. density" table. Schell & Martin, Inc., prepared average slope calculations pursuant to section 6-2044(a) for the seven Deer Hill Road properties. Based on the Schell & Martin average slope calculations and application of the lot area and density table in section 6-2043, staff has prepared the following table for parcels 27 and 28.

Table 2
Property Characteristics

Property Characteristic	Parcel 27	Parcel 28
Property Size	22.26 ac.	1.91 ac.
Average Slope of Total Lot	24.3%	26.7%
Maximum Allowed Density per §6-2043	14.0 du	.95 du
Area of ≤15% slope	8.18 ac.	.71 ac.
Area of ≤30% slope	13.97 ac.	.81 ac.
Average Slope of Upper Portion (West of drainage – 20.49± ac.)	20.17%	---
Average Slope of Lower Portion (East of drainage – 1.76± ac.)	12.4%	---
Max. Density Per §6-2043 for Upper Portion	17 du	---
Max. Density for Lower Portion (slope <15% so §6-2043 does not apply)	Density per zoning or GP designation, whichever is less	---

Throughout the public hearings on the former GP and RZ applications, various zoning classifications were considered by the Planning Commission including LR-10, LR-5, R-20, MRP, and MRT. These various options and a summary of the different zoning designations are described below. See Attachment 7 for more information on the LR-10, LR-5, R-20, MRP, and MRT zoning designations.

Table 3
General Plan and Zoning Designations Considered by the Planning Commission

Parcel	Current General Plan	Current Zoning	Proposed General Plan	Proposed Zoning
27 *(west of drainage)*	Administrative/Professional/ Office/Multifamily Residential	APO	Rural Residential Single Family[1]	LR-10 or LR-5
27 *(east of Drainage)*			Rural Residential Single Family[1] or Low Density Multi-Family Residential: Up to 17 du/acre	LR-10, MRP or MRT
28	Administrative/Professional/ Office/Multifamily Residential	APO	Rural Residential Single Family[1] or Low Density Multi-Family Residential: Up to 17 du/acre	LR-10, R-20, MRP, or MRT

Table 4
Summary of Zoning Districts

Zoning District	Purpose	Typical Allowed Uses *(other than residential)*	Allowed Density	Building Height
LR-10 Low Density Residential -10	Provide for areas of low-density residential uses consistent with the GP and the City's primary objective of preservation & enhancement of its semi-rural residential character.	Livestock keeping; small farming. Use permit required for: church, school, farming, grazing, community recreation, horse riding school	1 dwelling unit per 10 acres	30 feet or 2 ½ stories whichever is less.
LR-5 Low Density Residential - 5	Provide for areas of low-density residential uses consistent with the GP and the City's primary objective of preservation & enhancement of its semi-rural residential character.	Livestock keeping; small farming. Use permit required for: church, school, farming, grazing, community recreation, horse riding school	1 dwelling unit per 5 acres	30 feet or 2 ½ stories whichever is less.
R-20 Single-Family Residential District - 20	None identified.	Livestock keeping. Use permit required for: church, school, small and crop farming, community recreation	1 dwelling unit per 20,000 square feet	35 feet or 2 ½ stories whichever is less.
MRP Multiple-family Residential/ Professional Office, one-story	Allow a mixture of offices and MF residential in locations adjacent to low-density residential and major streets consistent with the goals and policies of the GP.	Professional offices, labs, medical & dental offices & clinics. Use permit required for: nursery schools, community buildings, eleemosynary & philanthropic institutions, convalescent & boarding homes	up to 17 dwelling units per acre	20 feet or 1 story

[1] Designation discussed during 2002 General Plan update and ultimately identified as Alternative 4 in the approved General Plan

Zoning District	Purpose	Typical Allowed Uses *(other than residential)*	Allowed Density	Building Height
MRT Multiple-family Residential Townhouse	Provide a medium-density residential district for townhouse[2] development consistent with the City's overall objective of the preservation & enhancement of its semi-rural residential character.	Use permit required: eleemosynary & philanthropic institutions, convalescent & boarding homes	up to 17 dwelling units per acre	25 feet

Any of these five designations could be considered by the City Council based on previous Council direction as all are identified as residential in the Zoning Ordinance (See Attachment 3 – Chronology, August 2003) and review of the goals and policies for the Deer Hill area as identified in the General Plan. See Attachment 8 for an excerpt from the General Plan identifying the goals and policies for the Deer Hill area.

Public Notice

Notice of this meeting was published in the Lamorinda Sun on March 13, 2009 and mailed to property owners within 500-feet of the project area and applicable homeowners associations on March 12, 2009.

Staff Recommendation

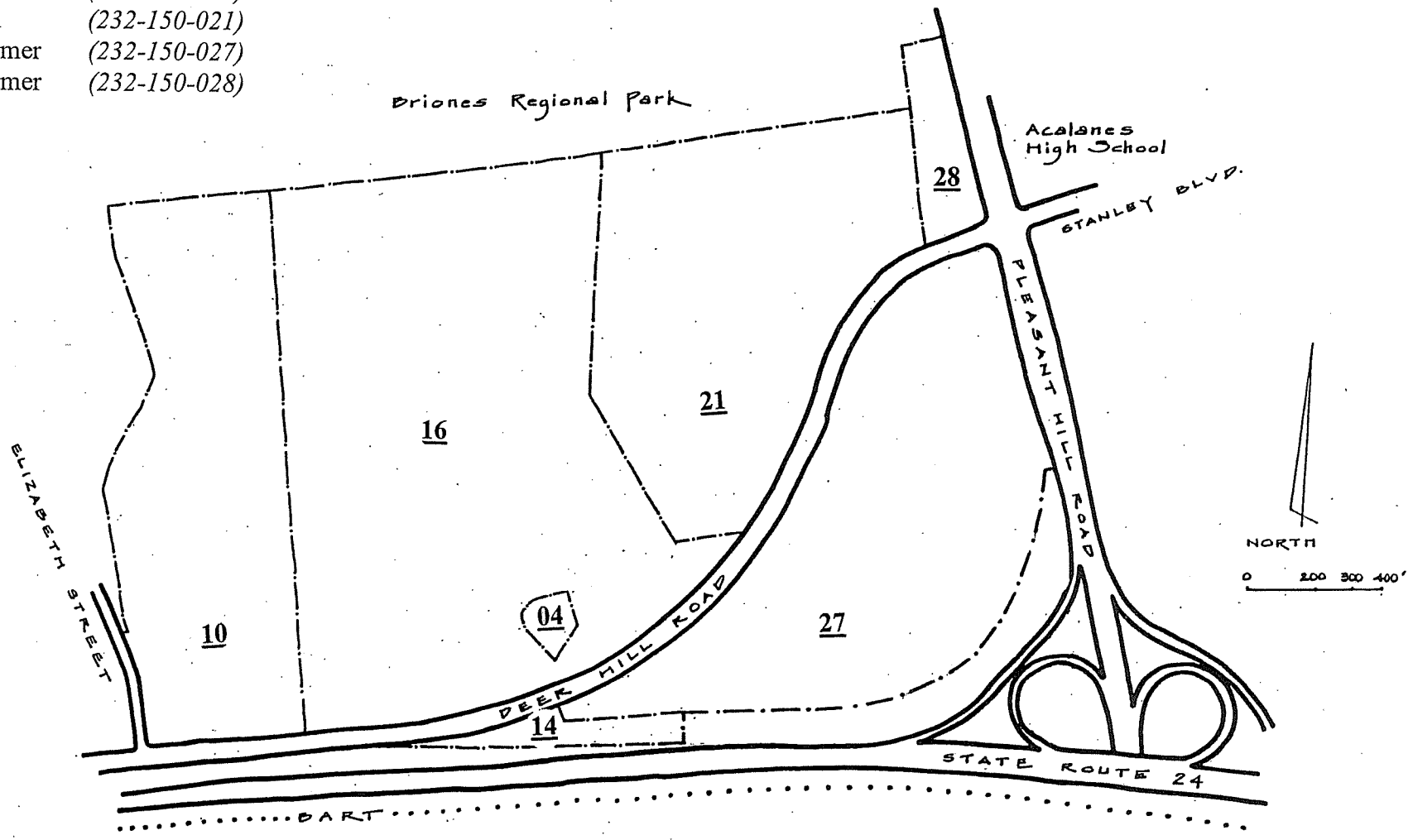
Conduct the public hearing, consider the matter, and direct staff to initiate proceedings to amend the General Plan and zoning designations by motion.

Attachments

1 Eastern Deer Hill Road Parcels and Ownership
2. Current General Plan and Zoning Designations
3. Chronology for Eastern Deer Hill Road General Plan and Zoning Amendments
4. Minutes from October 9, 2008 City Council Meeting
5. Parcel 27 – Class 1 Ridgeline
6. Parcel 28 – Class 1 Ridgeline
7. LR-10, LR-5, R-20, MRP, and MRT Zoning Districts
8. Excerpt from Land Use Chapter of the Lafayette General Plan

[2] The zoning ordinance defines "townhouse" as an attached or detached family unit with air space or air space and yard space for each individual unit. Townhouse ownership may include ownership of common grounds or facilities.

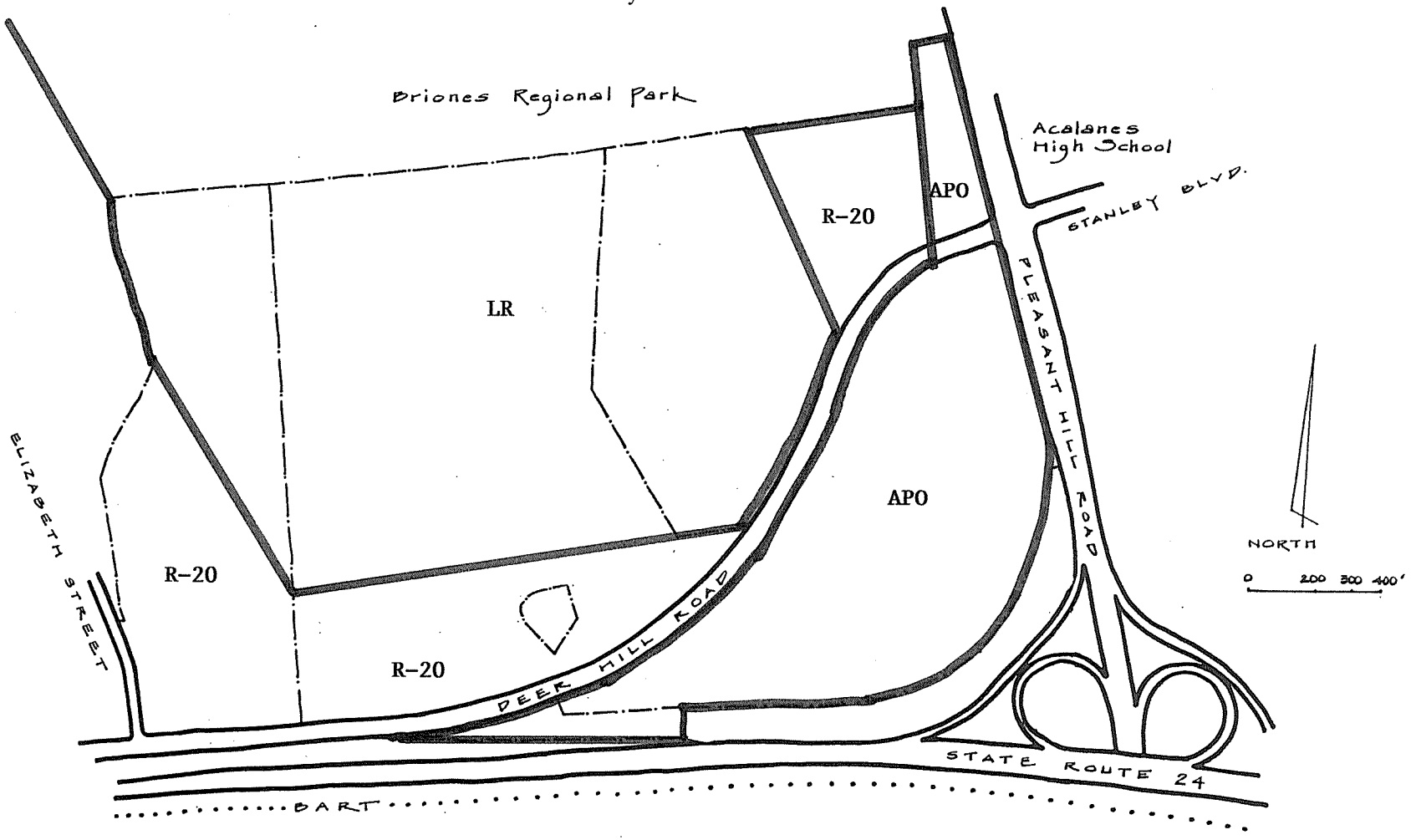
04	Naglicki	*(232-140-004)*
10	Dettmer	*(232-140-010)*
14	Caltrans	*(232-140-014)*
16	Dettmer	*(232-140-016)*
21	Kim	*(232-150-021)*
27	Dettmer	*(232-150-027)*
28	Dettmer	*(232-150-028)*



EASTERN DEER HILL ROAD

ATTACHMENT 1

Zoning	General Plan
LR	Rural Residential Single Family
R-20	Low Density Single Family
APO	Administrative/Professional Office/Multi-family



EASTERN DEER HILL ROAD

ATTACHMENT 2

Chronology of Eastern Deer Hill Road General Plan and Zoning Amendments

February 24, 2003 — The City Council directs staff to initiate a General Plan amendment for the Eastern Deer Hill Road area.

August 2003 — Staff began preparation of the General Plan Amendment but asked for clarification from the City Council on which specific properties to include. The minutes of the City Council meeting of August 11, 2003 state the following:

Mayor Federighi said it is clear they are looking at all seven parcels, but the Council disagrees on what the ultimate zoning designation should be. Ms. Merideth suggested directing staff to look at all seven parcels. Staff can bring back options to be heard by the Planning Commission who can then make a recommendation to the Council. A first scenario could be every parcel is LR. Another scenario could be a suggestion for Parcel 1 depending upon its size, something for Parcel 4 where the line is, how many potential single-family units should be on the property, etc.

Councilmember Tatzin confirmed it would be a Council-initiated General Plan amendment. Ms. Merideth said the Council was initiating a General Plan amendment change tonight, sending it onto the Planning Commission, and that staff would do an analysis. However, she clarified that staff has not concluded on how it would be presented, either with options or with a proposal with alternatives, or some other way.

She [Ms. Merideth] said staff would like a General Plan amendment for all seven properties, with the Planning Commission to make a recommendation, and with a view toward changing the APO parcels to residentially zoned parcels.

ACTION: It was M/S/C (Tatzin/Horn) to direct staff to initiate a General Plan amendment for the seven parcels as outlined in the Eastern Deer Hill Road area and that parcels with APO zoning be changed to residential zoning. Vote: 4-0-1 (Samson absent).

November 18, 2004 — Planning Commission conducts first public hearing on GP03-04/RZ02-04 as described below.

GP03-04, CITY OF LAFAYETTE (APPLICANT): Amendment to General Plan Map I-1 to reclassify three properties (APN 232-140-014, 232-150-027, and 232-150-028) located on Deer Hill and Pleasant Hill roads from Administrative/Professional/Office/Multifamily Residential to Rural Residential Single Family and/or Low Density Single Family. The Planning Commission may also consider an amendment to General Plan

ATTACHMENT 3

Map I-1 to reclassify four properties (APN 232-140-004, 232-140-010, 232-140-016, and 232-150-021) located on Deer Hill and Pleasant Hill roads from Low Density Single Family Residential to Rural Residential Single Family.

RZ02-04, CITY OF LAFAYETTE (APPLICANT): Change of zoning designation for three properties (APN 232-140-014, 232-150-027, and 232-150-028) located on Deer Hill and Pleasant Hill roads from APO to L-R-10 and/or R-20. The Planning Commission may also consider rezoning four properties (APN 232-140-004, 232-140-010, 232-140-016, and 232-150-021) located on Deer Hill and Pleasant Hill roads from R-20 to L-R-10.

January 6, 2005 — Planning Commission conducts a public hearing. At the meeting, a majority of the Commissioners expressed concern about moving forward with GP03-04/RZ02-04 without additional information on the physical characteristics of the properties and an assessment of their development potential. The Commission directed staff to prepare a preliminary scope of work and budget for a consultant to prepare an opportunities and constraints analysis (OCA) for the seven Deer Hill Road properties.

February 3, 2005 — Planning Commission holds a public hearing where staff presents a scope of work and budget for a consultant to prepare an OCA. The Commission votes to forward the Commission's recommendation to the City Council for preparation of an OCA prior to any further action on GP03-04/RZ02-04.

March 15, 2005 — City Council conducts a public hearing to consider preparation of an OCA. The City Council votes to provide $40,000 from the General Fund for the preparation of the OCA.

September 7, 2006 — Planning Commission conducts a public hearing where it reviews the OCA prepared by MHA Consulting and considers staff's request to decide which specific properties within the Easter Deer Hill Area should be included in the General Plan and rezoning applications and what the designations should be. Further discussion on GP03-04/RZ02-04 is continued to allow staff to respond to Planning Commission requests for more information related to a scope of work and estimated cost for a consulting civil engineer to calculate the average slope of specific properties in the study area and a scope of work for conceptual design studies for parcels 27 and 28 (1175 Pleasant Hill Road and 3233 Deer Hill Road, respectively), including bulk and mass studies and circulation and traffic constraints.

October 19, 2006 & November 16, 2006	Staff provides scopes of work for average slope calculations and conceptual development studies to the Planning Commission at a public hearing. On November 16, the Commission directs staff to proceed with requests for proposals for the two studies. (The $30,000 needed to prepare the studies is included in the Planning Services Division consulting services budget.)
November 15, 2007	As directed by the Planning and Building Services Manager, staff provides the Planning Commission with a copy of the proposal by Design, Community & Environment to prepare conceptual development studies for parcels 27 and 28. The Planning Commission votes to rescind its prior direction to staff for preparation of conceptual development studies.
November 21, 2007	Martin Lysons of Gagen McCoy files a letter on behalf of Anna Maria Dettmer appealing the Planning Commission's November 15 decision.
January 14, 2008	City Council conducts a public hearing on the appeal by Anna Maria Dettmer and votes to deny the appeal and uphold the Planning Commission's decision to rescind the preparation of conceptual development studies.
February 21, 2008	Planning Commission conducts a public hearing where it reviews the results of the average slope data prepared by Schell & Martin, Inc. at the request of the Planning Commission. Staff suggests that the Commission consider LR-5 zoning for the properties with split zoning and MRP – Multi-family Residential/Professional Office, One-story District for properties fronting on Pleasant Hill Road. The Planning Commission continues discussion to March 20 and asks staff to prepare an LR-5 analysis and provide more information for the properties fronting on Pleasant Hill Road.
March 20, 2008	Planning Commission conducts a public hearing where it considers LR-5, LR-10, and MRP zoning. A straw vote is conducted on the possible zoning designations for parcels 4, 10, 16, and 21. On a vote of 4 to 3 in favor, the Commission settles on no change to the R-20 zoning of parcel 4 and that a zoning change of LR-10 for parcels 10, 16, and 21 be considered. The Commission continues discussion on parcels 14, 27, and 28 to the meeting of April 17.
April 17, 2008	Planning Commission conducts a public hearing where it considers LR-10, MRP and MRT (Multi-family Residential Townhouse District) zoning. By a majority vote, the Commission proposes no change to the R-20 zoning of parcel 4 and proposes a zoning change of LR-10 to parcel 21. After numerous other motions for possible zoning designations fail to carry, the Commission leaves General Plan and zoning amendments for the remaining five parcels unresolved.

City of Lafayette
Special City Council Meeting
Planning Commission Special Meeting
MINUTES

Lafayette Community Center – Manzanita Room **October 9, 2008**
500 St. Mary's Road, Lafayette, California **6:30 p.m.**

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 6:30 p.m.

2. ROLL CALL

Present: Council Members: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Andersson, Anduri and Federighi

Planning Commissioners: Mark Mitchell, Chair, Will Lovitt, Vice Chair, Jeanne Ateljevich, Thomas Chastain, and Dick Holt

Absent: Commissioners Patricia Curtin-Tinley and Rick Humann

Staff: Steven Falk, City Manager; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning and Building Services Manager; Greg Wolff, Senior Planner; Lindy Coburn; Associate Planner; Christine Sinnette, Senior Planner; Mala Subramanian, City Attorney; Joanne Robbins, City Clerk

3. PLEDGE OF ALLEGIANCE – led by Mayor Anderson.

4. ADOPTION OF AGENDA

ACTION: It was M/S/C (Federighi/Andersson) to adopt the agenda. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

5. PUBLIC COMMENTS - None

6. OLD BUSINESS

A. Eastern Deer Hill Road General Plan and Zoning Amendments GP03-04, CITY OF LAFAYETTE (APPLICANT): Amendment to General Plan Map I-1 to reclassify three properties (APN 232-140-014, 232-150-027, and 232-150-028) located on Deer Hill and Pleasant Hill roads from Administrative/ Professional/Office/Multifamily Residential to Rural Residential Single Family and/or Low Density Single Family. The Planning Commission may also consider an amendment to General Plan Map I-1 to reclassify four properties (APN 232-140-004, 232-140-010, 232-140-016, and 232-150-021) located on Deer Hill and Pleasant Hill roads from Low Density Single Family Residential to Rural Residential Single Family.

RZ02-04, CITY OF LAFAYETTE (APPLICANT): Change of zoning designation for three properties (APN 232-140-014, 232-150-027, and 232-150-028) located on Deer Hill and Pleasant Hill roads from APO to L-R-10 and/or R-20. The Planning Commission may

ATTACHMENT 4

also consider rezoning four properties (APN 232-140-004, 232-140-010, 232-140-016, and 232-150-021) located on Deer Hill and Pleasant Hill roads from R-20 to L-R-10. **Recommendation:** Discuss and direct.

Christine Sinnette referred to Attachment 1, an exhibit of the seven properties in the Eastern Deer Hill Road, said that staff has been working on the General Plan and Zoning Amendments for the properties since 2004, with the focus being on the three properties zoned APO. In addition to the three, the Planning Commission has been looking at the other four properties that front on Deer Hill Road. Included in the staff report is a chronology of the process to date, staff reports and meeting minutes.

Over the last few years, the Planning Commission has directed various studies and conducted numerous public hearings, with the goal to provide a final project description specifically identifying which properties were to be included in the amendment and what the proposed General Plan and zoning designations should be.

At the last Planning Commission meeting, the process was stalled; the Commission was only able to come to agreement on two of the seven properties; Parcel 4 – a ½ acre parcel zoned R20 and the Commission decided to leave the parcel alone. The second parcel is Parcel 21; Deer Hill Ranch – it has split zoning R20 and LR-10 and the Commission decided to recommend the entire property be rezoned to LR-10. The General Plan and zoning amendments for the other five parcels remain unresolved. The Commission went back and forth on a number of recommendations on zoning without a prevailing vote on any of the other parcels.

The purpose of the meeting is for staff to provide the Council with the update and to provide the Planning Commission with a chance to voice their opinions on the properties.

Vice Mayor Tatzin referred to Parcel 4 and questioned what would happen if the owner agreed with the adjacent property owner to do a lot line adjustment, and he also questioned what zoning would be considered. Ms. Sinnette said the process would need to be reviewed by the Planning Commission, assuming Parcel 16 has houses on it. If left R20 and the other parcel was LR-10, then potentially, they could ask for an increase in Parcel 4 up to the point that Parcel 16 did not become non-conforming. Vice Mayor Tatzin questioned if this was done, would all of the new area of Parcel 4 still be R20, and Ms. Sinnette said she would have to question the City Attorney.

Vice Mayor Tatzin said if the City zoned Parcel 4 as LR-10, he confirmed the City would still have to allow one house. He questioned if it would simply be clearer to zone it LR-10 because we are not deleting the opportunity to develop a unit, but eliminating ambiguities and recognizing limitations, and he further questioned if the Planning Commission considered this issue.

Commissioner Ateljevich said the rationale behind leaving Parcel 4 as is, is that it became a non-conforming lot if it was changed, but she would support an LR-10 for the parcel. Commissioner Mitchell said it was also discussed that if the Commission were to lump many of the parcels under the same zoning, it would look less like spot zoning, so this was another argument.

Councilmember Andersson referred to the minutes from the last Planning Commission meeting and said one issue that came up was, what properties could be included in the project. Ms. Sinnette said when the Council gave direction to staff in 2003, it was generally agreed by the Council that the Planning Commission and staff should look at all seven parcels with specific direction that the three APO parcels should be residentially zoned. When staff first presented this to the Planning Commission in 2004, this is how it was presented—in the project description, the APO properties

would have a General Plan designation of Rural Residential and then the Planning Commission may consider the other four properties. She noted that even though the APO properties are within the hillside overlay district currently, they are not subject to hillside regulations because they are not zoned residential.

Regarding zoning, Ms. Sinnette said there is a section in the zoning ordinance that talks about lots divided by the District. The act of doing a lot line revision in and of itself would not change the zoning. The ordinance states that when any zoning district boundaries divide the parcel or lot, the regulations of the least restrictive district shall extend for 30 feet into the more restrictive district. So, the zoning would not necessarily change, staff would see where the lot line is being proposed and then the R-20 would actually encroach into the LR-10.

Mayor Anderson said he and Chair Mitchell discussed the issue in the past and he believes it would be best to attack the more difficult question of Parcels 14, 27 and 28 first. Based on previous notes and minutes, it seems there is some direction on Parcels 10 and 16 toward residential zoning.

Mayor Anderson opened the public hearing.

Public Comments:

ALLAN MOORE, land use attorney representing the Dettmer family, said the family owns four of the seven parcels which constitutes 80% of the study area, said the staff report contains an accurate chronology of activities; however, a previous staff report contained an earlier chronology going back to the General Plan, which is more important. The General Plan was adopted in 2002 and it is that plan they utilize in the authorization. He said this is a city-initiated General Plan Amendment and not one initiated by the property owner. Therefore, the property owner opposes the General Plan Amendment and rezoning and does not propose any activity on the site and would like to leave the site as is, prefers to keep the designations as is, unless a specific plan is proposed to plan for the area. He said the General Plan states for the Eastern Deer Hill Road area; "This area deserves a careful and detailed analysis. It is therefore recommended that a specific plan be prepared for this area immediately following adoption of the General Plan." He said a directive is then given; "Program LU-13.2.22, page I-23 of the General Plan", which states, "Prepare through a community planning process an Eastern Deer Hill Road Specific Plan that includes the following requirements..." He noted there are 4 requirements that mirror a lot of state laws for specific plans. It is authorized under state law and it takes a property and shows where clustering can occur, it shows alternatives to development, it has generally an EIR attached which discusses environmental constraints, and allows a regional approach to an area to see where access can go, to determine visibility impacts, how to cluster property and dedicate certain areas that should not be developed. Therefore, it is his legal view that the City's General Plan would require a specific plan be adopted as part of this process, and they indicated this back in 2004 when he was previously involved. He said they also reviewed the constraints analysis which combines all setbacks and requirements, which concludes there is very little land within the area that is developable. It is not prepared by a planning company, but an environmental consultant. He believes the analysis is a good start and one of several documents that would normally be prepared as part of a specific plan. However, he asked the Council and Planning Commission and staff to read the General Plan because what it directs the City to do is a complete Specific Plan. He said the minutes confirm this as well as the goal setting session of 2004 which identifies that the Council decided not to include preparation of the Deer Hill Road Specific Plan as a goal due to budget constraints and other significant projects taking staff time. He respectfully requested the City to consider not doing any kind of rezoning now until such time a specific plan can be authorized. Alternatively, if the City feels they need to do something now even though there are no applications on file, he asked that they be allowed to work

with staff toward an approach that is fairer to the property owner. He said the original charge showed the difference in general plan density that occurs with a proposed down zone, i.e., Parcels 10 and 16 would allow about 46 homes. As down zoned, they would allow a maximum of 4 homes, which could also be further reduced, which is a significant reduction which should be considered only after the area is planned through a specific plan process.

Councilmember Andersson said the general plan language called for standards in four different areas, and he questioned what those were. Mr. Allen said the four areas addressed: a) protect and enhance the rural character of the area north of Deer Hill Road where not adjacent to Pleasant Hill Road; b) preserve prominent views; c) include development standards that maintain the semi-rural character of the area of the community; and d) utilize the property south of Deer Hill Road to help communicate the image of Lafayette as a semi-rural community. He said his position is that if this guidance is accepted, the Council must accept also the policy of doing a specific plan.

Commissioner Ateljevich confirmed Mr. Moore did not apply the hillside slope ordinance in calculating the density under the present zoning, Mr. Moore noted that he did not calculate the density; he took it from a staff report, which he confirmed also did not include the hillside slope ordinance. He said this was his point—if it is down zoned from the maximum 46 units to 4 units, they may not get the 4 units under the hillside ordinance in place now, and it could be further reduced down to 1-3 units.

Councilmember Federighi confirmed that the Council was initially discussing Parcels 27 and 28 of the four Dettmer parcels, and Mr. Moore said all four are in play for a proposed GPA, although 27 and 28 are the primary eastern most parcels being considered tonight. He clarified with Mayor Anderson that the Dettmer family owns Parcels 10, 16, 27 and 28.

GUY ATWOOD said the General Plan Advisory Committee originally recommended that all seven parcels be LR, which was after studying the General Plan for 9 years. Subsequent to that date, the City Council made a change in the General Plan to reflect the concept of the possibility for a specific plan on these parcels. He noted that while almost unanimous, he voted for Lot 10 to allow for a lot split with support for the flatter portion being something other than LR. Secondly, he said Table 3 does not reflect all constraints on the map. The units that could possibly be done on the slope density might not all be possible when all constraints are considered. He also reminded the City Council that the previous owner of Parcel 21; Hunter Holding, specifically said they favor the LR zoning for their property but that they wanted their property zoned the same way as the adjacent property—that they should not be given less of a right than adjacent property owners. He noted Mr. Holding sold the property, but he owned it for many years. Also, the Spring Hill Valley Homeowners Association, the Pleasant Hill Valley Homeowners Association and the Lafayette Homeowners Council have all voted to support the recommendation for LR for the seven parcels. Finally, he said one of the real concerns in addition to issues raised in the constraints analysis is that the intersection of Pleasant Hill and Deer Hill Road is the busiest intersection in the City of Lafayette. There is little possibility of doing anything with the road such as traffic calming, and as it goes to the west, it is a main route for northbound traffic to BART and it is not a flat road.

Councilmember Federighi questioned if Mr. Atwood was taking the position that Parcel 28 should also be LR, and Mr. Atwood said they were not trying to create a situation where they were down zoning properties. They were trying to come up with best solutions for various parcels. He said everyone realized that Parcel 28 is a long, narrow lot with very few things that could be done with it. He wanted to provide flexibility in which to do something with that parcel, and his personal feeling would be that it be used for parking.

MIKE KIM, said he purchased Parcel 21 from Mr. Holding with the hopes of retaining Deer Hill Ranch and also to start his wife's home schooling co-op business. They tried working hard to maintain the ranch business, but they encountered financial challenges similar to the Holdings including the non-profit's inability to obtain insurance. He said some of the animals have stayed on the ranch, they are in the process of getting some horses and are starting again slowly. He said he is aware of down zoning and while they do not have any intent of developing the property, they purchased the property with the inherent value as reflected in the current zoning. And, there may come a time where they must sell the property and questioned the rationale for reducing a density pattern that is already quite sparse.

Mayor Anderson closed the public hearing.

Councilmember Andersson said in a letter from February and another letter before the Council tonight, there is indication that there would not be enough of a potential housing opportunity to meet the ABAG requirements, and he asked for an explanation of this. Ms. Srivatsa said the current Housing Element did an inventory of potential sites, and these Deer Hill properties were not part of that inventory. Staff was able to show the State the City had sufficient land to accommodate its regional housing allocations. She said Diana Elrod, the City's housing consultant is present, she and staff will be working with the Downtown Strategy consultants, and she is confident in finding sufficient downtown housing opportunities, and also noted she will be responding to the Housing Rights, Inc. letter.

Mayor Anderson questioned if there is a requirement in requiring a specific plan as opposed to a straight General Plan amendment, and City Attorney Subramanian said the City does have the option to do a General Plan amendment as opposed to a specific plan. She said it does propose a specific plan in the General Plan document, but the General Plan also specifies that the programs listed in the plan are not exclusive by their said actions that the City should take to implement a goal and policy. So, it is not a mandatory requirement that the City do a specific plan.

Vice Mayor Tatzin said it is useful to have the two reports on the same agenda. In the inclusionary housing discussion, there is a section called Materials Prepared for the June 23, 2008 Joint Meeting, which was not held, and a map is entitled Multiple Family Residential possibilities outside the Redevelopment Area and in the background of the page there is a table which gives residential build-out potential of undeveloped land. So, in the map, his conclusion is that Parcel 27 is included in the map. In Table 23, it talks about MRO, APO and MRP uses and includes parcels shown on the map outside the Redevelopment area. The total number of units allowed is 551 on the table and currently, the new housing requirement is 361, and he was not sure the uses of MRO, APO and MRP come from Parcel 27, but in total, it is 140. As part of the General Plan Advisory committee, he supported making this plan LR for a variety of reasons, but he wants to make sure the City is not getting itself into an unanticipated problem visa vi, housing element law. Ms. Srivatsa said the she and Ms Elrod had conducted the site inventory today, and it will take some time to generate the final numbers. She said when the last inventory was done, they estimated that the downtown had a potential of around 500 units. One of the parcels cited was incorrect which reduced the capacity to 460 units within the downtown. She said she was not sure what the planned inventory will generate, but staff can now factor 46 units from Eden Housing, 20 units from Lafayette Park Terrace, and 65 from Woodbury. Development applications that were not considered in the previous inventory can now be included but at this time, staff has not confirmed the City can accommodate the 361 units within the downtown.

Mayor Anderson asked the Council to focus on the APO parcels with the hope to get direction on how to proceed. He is inclined to think that the original concept of LR designations had some

relevance and as a member of the General Plan Advisory Committee, not only is there a potential traffic impact but given the visibility of the area as a gateway to the City, the City did not want to change the character of the area.

Councilmember Anduri asked for an explanation of why the Council asked the Planning Commission look at the rezoning as opposed to asking for a specific plan. Councilmember Federighi said the Council strongly considered a specific plan and initially directed staff to obtain estimates for cost, which was approximately $130,000 at the time, which was not something the Council felt it could justify. She said the Council also agreed that they wanted the area to be residential as opposed to commercial and did not believe there was consensus that it only be single-family residential.

Chair Mitchell said the Commission reviewed the property for 5 years or so, originally at the request of the City Council. The opportunities and constraints analysis cost about $40,000 and they also looked at this for some time. The slope analysis was an additional ±$3,000, so a lot of time and money has been spent studying the property. He said the General Plan was looking for four items from the specific plan, they all referred to maintaining the semi-rural nature of the area and while there is no formal document, he believes that the Commission looked at this. The one touched on the most was the development standards as a way to reflect the area as semi-rural, and he feels the Commission has spent a lot of time and is anxious to move this along.

Councilmember Andersson said he read through several times the minutes of the 23rd, said there were obvious issues which he felt included: Commissioners Ateljevich and Lovitt were looking for less density, Commissioners Curtain and Holt were looking for more density, and Commissioner Humann said it was not enough information to make a determination. He asked Commissioners to provide a sense of where the divide came and which issues needed to be resolved in order to get a Commission recommendation.

Chair Mitchell said he was hoping to save Parcels 27 and 28 to the end because the Commission was able to develop some sort of consensus on the other parcels, which was centered on the direction for residential zoning. If residential, then the slope/density calculations kicked in, and most are limited to one dwelling unit. So, they were coming closer to developing a consensus for all parcels other than 27 and 28. With regard to Parcels 27 and 28, the Commission looked at MRO, MRP, MRT, and Commissioner Ateljevich stressed they looked at a lot of different possibilities all keeping within single family residential zoning.

Commissioner Holt said he has always wanted a specific plan, he is more uneasy about making a decision on this and less on the density. To him, the parcels are extremely important and he thinks then as he does now, that they need to be studied in a specific plan.

Vice Chair Lovitt agreed with Commissioner Holt's comments with what the Commission was wrestling with; different solutions but the same problem. He said in relaying his arguments at that time, it goes back to the overall General Plan Amendment and what that would take. His feeling was that they would not do a specific plan right now and absent that, he would prefer to see the City retain sufficient control, make sure all properties are subject to the hillside ordinance by making them single family residential, and that was the overwhelming impetus behind his argument. This said, anytime in the process, anyone could come in with an application and the Commission may or may not approve something regardless of whether zoning changes get made. He said the big issues for him were the City being able to maintain control and the visible importance of the properties as the eastern gateway to town.

Commissioner Chastain said he missed that meeting, said at the time he agreed that Parcels 27 and 28 have always been the issue. He took the view that the MRT zoning would be an interesting proposition in a split zoning situation on Parcels 27 and 28. He felt a little uneasy that there wasn't a specific plan, thinks it is a very visible piece of property in terms of the City. The idea of development is more than just zoning; it is how it is able to cultivate what goes on there and maintaining other agendas and desires. But he thought in lieu of that, this would be a way of understanding also some rights to develop that property which seemed reasonable. So, he supported the staff recommendation at the time, which was to find a way to allow split zoning on Parcels 27 and 28 to allow an MRT zoning, which he thought could be developed well, and which would allow more housing, which he thinks is possible. He does not believe a specific plan is going to happen, but the issue everyone is grappling with is how to maintain control so that development can be done in a way which is positive and retains the attributes to that landscape that the City wants.

Commissioner Ateljevich said she believes splitting the larger Parcel 27 at the corner of Pleasant Hill Road into MRT or something, but as she looked at it more and more, given the constraints of the site and especially Parcel 28, which has an unstable and steep hill behind it, no matter what single family zoning is put on it, it will be a one-home maximum. She would hope that if the City does zone it single family, that we could think of some way of transferring the density from one property onto one of the other properties that are in the same ownership, which she felt was doable. She does not believe the strip of an access coming from the north makes Parcel 28 suitable for anything, and Parcel 27 has the same access situation with a steep hillside. With those constraints, she would accept something like an LR-5 on the larger parcel which would allow a little more density and if the developer wants to come in with a specific plan, there's no reason why one cannot be developed through sponsorship, and she believed a specific plan would enable a thorough review. She would favor a single family designation partly as a holding pattern on the corner.

Chair Mitchell said Parcel 21 was one of the few properties the Commission was able to develop a consensus on for LR-10 because in looking at the site constraints, the R-20 portion of the parcel is in Class I or Class II ridges.

Mayor Anderson referred to the specific plan process proceeding at the developer's interest, he questioned if the City could move forward with the General Plan Amendment and rezoning and then wait for the property owners to come in with a specific plan, and Ms. Srivatsa said this would further restrict the property owner's ability to propose a higher density, as there may be some public assumptions made that this is going to be a lower density area. One suggestion was that if the City and developer were interested, a development agreement could be entered into, and then the developer could come up with a project that would be vetted before the public.

Commissioner Holt said he is a proponent for a specific plan for the whole area and the problem with what is being proposed is piecemeal and would be viewed as restrictive and it would not be all encompassing. There are issues to the properties that the City might not even be aware of now, but the site is important, it's semi-rural aspect of it needs to be folded into the City's General Plan, and there are some important multi-residential uses that the City may not even be aware of yet and he would recommend not doing anything until the City has to.

Mayor Anderson said the City does not have to do anything, but the idea of this being LR came out of the General Plan Advisory Committee early on and this was carried through the Council as a potential for a specific plan. So, it sort of changed its character as it became processed. But the consistency he is hearing is that there is a great deal of interest in ensuring what happens is

consistent with the look and feel of the City from arriving through the gateway. He does not see how this is inconsistent with our saying, let's lay some constraints on this area. No one is ready to do anything, but the Council can begin to direct the process now; to make the move to downzone the properties and begin to put constraints on that relate to the hillside and the ridgeline ordinances. So, he would not see this as being inconsistent with past actions.

Councilmember Anduri questioned if the City can enter into an agreement with the land owner of Parcels 27 and 28 that would require a private specific plan process prior to developing the property any further. Ms. Subramanian said the City could do this through a development agreement, but it would need to be a mutual agreement. Councilmember Anduri said he could see making Parcels 4, 10, 14, 16 and 21 LR-10 and then entering into an agreement with the owner of Parcels 27 and 28. He believed Commissioner Ateljevich's idea for Parcel 28 was great—to keep it undeveloped and something that adds to the attractiveness to the corridor while giving more developable rights to Parcel 27.

Councilmember Federighi said she would favor the latter because she believes Parcel 27 and 28 are different from the other properties. She liked Commissioner Ateljevich's idea of LR-5 for part, and she is not ready to completely abandon the idea of MRT for the property east of the creek. She realizes this is a gateway and visible from parts of the City, and she would prefer the second alternative rather than to suggest LR zoning which places a considerable challenge onto the developer.

Vice Mayor Tatzin said he was still hung up on the number of housing units the City has space for, he was not sure to what extent the downtown specific planning process is going to change in available units, and if you change the zoning in the General Plan, particularly for Parcel 27, it would be hard to unwind. He said in the Housing Rights letter, it talks about changing California law to acquire housing by right and he questioned how this worked, and Ms. Srivatsa said currently all housing within the commercial district requires a land use permit, and the Council will most likely see a recommendation from staff that this be changed for the new Housing Element. Vice Mayor Tatzin felt then there would be a condition of precedent to change the zoning on this.

He said with regard to the property owner's assertion that one could do development on the upper level of Parcel 27 that was not visible, the property owners had a number of decades to show the Council a development that would have these characteristics. For one reason or another they have chosen never to bring forward such a proposal. He remembers various times when there were things like garbage trucks parked up there that could be seen quite clearly from a distance from Highway 24. So, he does not think he has seen near enough information to support the developer's assumption about how they could develop the properties so that they would be invisible. Also considering there have been no sketches of what an MRT type development might look like along the Pleasant Hill Road or Deer Hill portion of Parcel 27, he is not convinced by letters he has seen. He said he does like Commissioner Ateljevich's idea of transferring the density from Parcel 28 to Parcel 27, so he would support moving forward with Parcels to the north and west of Deer Hill Road and wait to get more information on the housing element issues prior to taking up Parcels 27 or 28.

Mayor Anderson said if the Council finds it could use more capacity for housing on Parcel 27, he questioned whether this was where the City would want to put it. He felt a split zoning would be a little better because it would set aside that which is most visible and put that in single-family and then the City has then opened the opportunity for some real study and proposal on the lower portion that may or may not work. And he felt at least the main body of the area would be protected.

Chair Mitchell said even if the parcel were to go to MRT, the City would probably only pick up another 4-5 units. Councilmember Anduri said his only concern in splitting it would be that we should keep it all the same, there is more of an ability to drive the development down to the lower area as opposed to developable areas at the top, and he did not see how the upper portion could sustain any development.

Councilmember Andersson said he liked Commissioner Chastain's comment that something could be done to maintain some controls, particularly on Parcels 27 and 28. One may be a rezoning or some sort of agreement before development takes place for a more defined study of what should occur. This may result in necessary time to better understand what the housing numbers impact might be. City Attorney Subramanian noted that it was her understanding from Mr. Moore that they may be interested in pursuing a development agreement with a specific plan approach. Councilmember Federighi believed this could also assist in some of the circulation problems.

City Attorney Subramanian said typically, the Planning Commission would make a recommendation to the City Council for consideration.

ACTION: It was M/S (Ateljevich/Chastain) to recommend that the City Council initiate a change of zoning on Lot 4, 10, 14, 16, and 21 from APO to LR-10 and direct staff to work with the owners of Lots 27 and 28 on the terms of a development agreement; unanimously approved.

Commissioner Chastain questioned what would happen if Caltrans sold their parcel to a developer, and he questioned if Parcel 14 should also be included with Parcels 27 and 28. Ms. Sinnette suggested including it in the LR-10. Practically, if the setbacks of 50 feet are applied in LR-10, there is a 1200 square foot building footprint. If someone were just to read the General Plan designation for the property in the early table showing strictly mathematics, it could show 47 units, and there would be no way to get that amount with a 50% slope. However, someone might believe they could achieve 5-10 units and she did not believe the City even wants to see that. She said staff would therefore recommend including Parcel 14 with the other four LR-10 designations.

Mayor Anderson questioned the timeline for the process, and asked to put something in place to tighten the timeframe to update the Council. Vice Mayor Tatzin suggested a motion.

ACTION: It was M/S/C (Tatzin/Federighi) to accept the Planning Commission recommendation to initiate a change of zoning on lots 4, 10, 14, 16, and 21 from APO to LR-10 and direct staff to work with the owners of Lots 27 and 28 on the terms of a development agreement and return to Council in 3 months with a status report. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

Ms. Sinnette confirmed that staff would retire the current application numbers and review the five properties in a new application to rezone them to LR-10 and then return to the Council with additional suggestions with Parcels 27 and 28.

EXCUSED
Chair Mitchell was excused from the meeting at 8:30 p.m.

BREAK
Mayor Anderson called for a brief break at 8:30 p.m. and reconvened the special meeting at 8:40 p.m.

Parcel 27

Class 1 Ridgeline Setback

Pleasant Hill Rd
Deer Hill Rd
Boundary of Class1
Ridgeline Setback
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Parcel 28

Class 1 Ridgeline Setback

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LR

Low-Density Residential District

6-7161 General.
6-7162 Purposes.
6-7163 Uses permitted.
6-7164 Uses requiring a permit.
6-7165 Lot area.
6-7166 Lot width.
6-7167 Lot depth.
6-7168 Height.
6-7169 Yards.
6-7170 Parking space.
6-7171 Variances.
6-7172 Design review criteria and approval.

NOTE: The City has other regulations, which may affect individual properties, including, but not limited to hillside development, structures over 17-ft. in height, development in excess of 6,000 sq. ft., tree protection, grading, and public art. Please review the Project Checklist available on the City of Lafayette web site at www.lovelafayette.org for an overview of regulations that might apply. You may consult Planning Services Division staff to ascertain which rules and regulations apply to any given project.

ATTACHMENT 7

6-7161 General.

All land in the low-density residential district (map symbol L-R) shall be used in accordance with this article. (Ord. 410 § 1 (part), 1993)

6-7162 Purposes.

The purposes of the low-density residential (L-R) district include the following:

(a) Provide for areas of very low-density residential uses consistent with the general plan and with the city's primary objective of preservation and enhancement of its semirural residential character;

(b) Promote the health, safety and welfare of the community by protecting the land in the L-R district from uses which would disturb the natural environment and increase geologic, pedologic, seismic, hydrologic or other inherent hazards;

(c) Preserve and maintain the scenic, recreational, biotic, historic and other resources of land in the L-R district.

(Ord. 410 § 1 (part), 1993)

6-7163 Uses permitted.

In the L-R district, the following uses are permitted:

(a) A detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it;

(b) The keeping of livestock, consistent with recognized principles of range management and in compliance with Sections 6-523 and 6-524;

(c) Small farming, including the raising of poultry or rabbits or other grain-fed rodents exclusively for home consumption in compliance with Section 6-524;

(d) A home occupation.

(Ord. 410 § 1 (part), 1993)

6-7164 Uses requiring a permit.

The planning commission, after a public hearing and upon a showing by an applicant that such use is consistent with the uses in the general area, may grant a land use permit for the following uses:

(a) A residential business;

(b) Publicly owned buildings and structures, except as provided in Section 6-516;

(c) Crop and tree farming, horticulture, viticulture, grazing and other similar agricultural uses;

(d) Community building, club or activities of a quasi-public, social or fraternal character, private recreational facility, such as a golf club, swimming pool and tennis club, whether or not operated for profit;

(e) Horse riding academy or horse riding school meeting the requirements of Sections 6-523 and 6-524;

(f) Multiple pet activity on a parcel of land 20,000 square feet in size or larger;

(g) Kennel activity;

(h) A second unit which complies with Sections 6-560—6-566;

(i) Uses which the planning commission has found, after notice and hearing, to be comparable to the uses enumerated in this section.

(Ord. 410 § 1 (part), 1993)

6-7165 Lot area.

The minimum lot area in the L-R district is five acres subject to the following qualification: If the parcel has an average slope of 15 percent or more and is created as a result of a land division of an L-R parcel after July 28, 1993, the minimum lot area is five acres or that required by Section 6-3104 whichever is greater. (Ord. 410 § 1 (part), 1993)

6-7166 Lot width.

No lot may be created in the L-R district that is less than 200 feet in average width. (Ord. 410 § 1 (part), 1993)

6-7167 Lot depth.

No lot may be created in the L-R district that is less than 200 feet deep. (Ord. 410 § 1 (part), 1993)

6-7168 Height.

No single-family dwelling or other structure permitted in the L-R district shall exceed 30 feet in height or two and one-half stories. (Ord. 410 § 1 (part), 1993)

6-7169 Yards.

All buildings erected in the L-R district, including accessory buildings, shall be a minimum of 50 feet from property lines or easement lines. (Ord. 410 § 1 (part), 1993)

6-7170 Parking space.

(a) Residential Parking Space. Every dwelling unit permitted in the L-R district shall have, on the same lot or parcel, space for at least four automobiles. Each parking space shall be paved and shall have dimensions of at least ten feet by 20 feet, and shall not be located within 50 feet of any property line.

(b) Nonresidential Parking Space. Parking for a recreation building, club building or other nonresidential use in the L-R district is governed by Sections 6-601—6-661. (Ord. 410 § 1 (part), 1993)

6-7171 Variances.

The planning commission may grant a variance to alter the requirements of Sections 6-7165—6-7170 in accordance with the applicable provisions of Sections 6-201—6-238. (Ord. 410 § 1 (part), 1993)

6-7172 Design review criteria and approval.

(a) The design review approval requirement applies to all L-R properties. However, the primary purpose of design review is to regulate development on hillside or ridgeline properties which (1) are susceptible to environmental damage due to geologic, pedologic, seismic, hydrologic disturbances caused by nature and man or (2) are viewable from lower elevations. The regulation shall be administered in a manner to meet the physical and visual characteristics of each site.

(b) On each hillside or ridgeline lot particular attention shall be given in the design review process to prevent or reduce the adverse effects of grading and drainage.

(c) Each dwelling unit shall be substantially concealed by vegetation or terrain or both when viewed from lower elevations from publicly owned property (including freeways, other public roadways, public open space and parks). It is the intent of this requirement to protect views of the open and highly visible portions of the scenic hillsides and ridgelines so that they will appear essentially undeveloped as viewed from below the dwelling. On file in the office of the planning director is a map entitled "viewing evaluation," dated March 1, 1993 and prepared by the planning department which is intended as a guide to establish locations from which views will be determined.

(d) No building, structure or other facility, including a road, driveway, retaining wall over three feet in height or graded slope over six feet in height may be constructed, established or altered in such a manner as to affect the existing physical condition or exterior appearance, unless the design review commission first approves plans in accordance with the procedure in Sections 6-270—6-281.

(e) The planning director shall determine, through review of information provided by the applicant and field inspection, whether a proposal subject to design review shall be reviewed by the design review commission or by the planning director. The planning director may retain approval authority if:

(1) The proposed structure cannot be seen from areas indicated in the viewing evaluation map that are lower in elevations than the proposal; and

(2) The improvement proposed does not require a grading permit, nor the removal of trees over four inches in diameter; and

(3) The proposal is one story in height.

(Ord. 410 § 1 (part), 1993)

6-526 Height limitations in required yards.

(a) Accessory buildings, as defined in Section 6-302 of this title, and structures, as defined in Section 6-355 of this title, shall not exceed the following height limits, if constructed in the required setback (front yard), side yard or rear yard which is applicable to the main building or principal structure on the lot:

(1) Accessory buildings, 12 feet;

(2) Structures, six feet.

For example, if the rear yard for the principal structure is 15 feet, but the rear yard for an accessory building is three feet, any accessory building within the 15-foot rear yard required for the principal structure shall not exceed 12 feet in height.

(b) For the purpose of this section, the height of a structure shall be determined by measurement on its tallest side between natural grade and its highest part; and the height of an accessory building shall be determined as provided in Section 6-313 of this title.

(c) Variance permits to modify the provisions of this section may be granted in accordance with the applicable provisions of Chapter 6-1 of this title.

(Ord. 274 § 1, 1982: Ord. 243 § 2, 1981)

NOTE: These height provisions apply to accessory structures or buildings located in Residential Zoning Districts.

6-271 Definitions—Applicability.

(a) "Design review" means review of the aesthetic elements of a project. Reference elsewhere in this title or in conditions of approval to design approval, site plan and building elevations approval, or in the case of the environmental review commission, means design review under this article.

(b) "Gross floor area," under this article, means the total horizontal area in square feet of each floor within the exterior walls of all buildings on a parcel, including garages and carports as measured at the exterior face of the enclosing walls.

(c) This article applies to:

(1) New construction, exterior remodeling, or any change to a structure or facility which affects the exterior appearance, and which occurs in a multiple-family or commercial land use district (site plan and building elevations applications);

(2) A project or construction for which design review is required as a condition of approval;

(3) Any other projects for which design review is required; and

(4) New single-family residential construction which exceeds 6,000 square feet in gross floor area or an addition to an existing residence which will increase its gross floor area to over 6,000 square feet and which occurs in a single-family residential district.

(Ord. 386 § 2, 1991: Ord. 324 § 1 (part), 1984)

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LR-5

Low-Density Residential District - 5

6-7181 General.
6-7182 Purposes.
6-7183 Uses permitted.
6-7184 Uses requiring a permit.
6-7185 Development requiring hillside development permit.
6-7186 Lot area.
6-7187 Lot width.
6-7188 Lot depth.
6-7189 Height.
6-7190 Yards.
6-7191 Parking spaces.
6-7192 Variances.

NOTE: The City has other regulations, which may affect individual properties, including, but not limited to hillside development, structures over 17-ft. in height, development in excess of 6,000 sq. ft., tree protection, grading, and public art. Please review the Project Checklist available on the City of Lafayette web site at www.lovelafayette.org for an overview of regulations that might apply. You may consult Planning Services Division staff to ascertain which rules and regulations apply to any given project.

6-7181 General.

All land in the low-density residential district – 5 (map symbol L-R-5) shall be used in accordance with this article.

6-7182 Purposes.

The purposes of the low-density residential (L-R-5) district include the following:

A. Provide for areas of low-density residential uses consistent with the general plan and with the city's primary objective of preservation and enhancement of its semi-rural residential character;
B. Promote the health, safety and welfare of the community by protecting the land in the L-R-5 district from uses that would disturb the natural environment and increase geologic, pedologic, seismic, hydrologic or other inherent hazards;

C. Preserve and maintain the scenic, recreational, biotic, historic and other resources of land in the L-R-5 district.

6-7183 Uses permitted.

In the L-R-5 district, the following uses are allowed on a lot:

A. A single-family residence and an accessory structure and use normally auxiliary to it;

B. The keeping of livestock, consistent with recognized principles of range management and in compliance with sections 6-523 and 6-524;

C. Small farming, including the raising of poultry or rabbits or other grain-fed rodents exclusively for home consumption in compliance with section 6-524;

D. A home occupation.

6-7184 Uses requiring a permit.

The planning commission, after a public hearing and upon a showing by an applicant that such use is consistent with the uses in the general area, may grant a land use permit for the following uses:

A. A residential business;

B. Church, religious institution, parochial and private school, including nursery school;

C. Publicly owned buildings and structures, except as provided in section 6-516;

D. Crop and tree farming, horticulture, viticulture, grazing and other similar agriculture uses;

E. Community building, club or activities of a quasi-public, social or fraternal character, private recreational facility, such as a golf club, swimming pool and tennis club, whether or not operated for profit;

F. Horse riding academy or horse riding school meeting the requirements of sections 6-523 and 6-524;

G. Kennel activity;

H. Uses that the planning commission has found, after notice and hearing, to be comparable to the uses enumerated in this section.

6-7185 Development requiring hillside development permit.

New development or the expansion of an existing use requires the issuance of a hillside development permit pursuant to sections 6-2061 et seq.

6-7186 Lot area.

The minimum lot area in the L-R-5 district is five acres.

6-7187 Lot width.

No lot shall be created in the L-R-5 district that is less than 200 feet in average width.

6-7188 Lot depth.

No lot shall be created in the L-R-5 district that is less than 200 feet deep.

6-7189 Height.

No single-family residence dwelling or other structure permitted in the L-R-5 district shall exceed 30 feet in height or two and one-half stories, whichever is less.

6-7190 Yards.

Each building erected in the L-R-5 district, including an accessory building, shall be a minimum of 50 feet from property lines or easement lines.

6-7191 Parking spaces.

A. Residential parking space. Each dwelling unit permitted in the L-R-5 district shall have, on the same lot or parcel, space for at least four automobiles. Each parking space shall have dimensions of at least 10 feet by 20 feet, and shall not be located within 50 feet of any property line.

B. Nonresidential parking space. Parking for a recreation building, club building, or nonresidential uses in the L-R-5 district is governed by sections 6-601 through 6-661.

6-7192 Variances.

The planning commission may grant a variance to alter the requirements of 6-7187 through 6-7191 in accordance with the applicable provisions of sections 6-201 through 6-238.

6-526 Height limitations in required yards.

(a) Accessory buildings, as defined in Section 6-302 of this title, and structures, as defined in Section 6-355 of this title, shall not exceed the following height limits, if constructed in the required setback (front yard), side yard or rear yard which is applicable to the main building or principal structure on the lot:

(1) Accessory buildings, 12 feet;

(2) Structures, six feet.

For example, if the rear yard for the principal structure is 15 feet, but the rear yard for an accessory building is three feet, any accessory building within the 15-foot rear yard required for the principal structure shall not exceed 12 feet in height.

(b) For the purpose of this section, the height of a structure shall be determined by measurement on its tallest side between natural grade and its highest part; and the height of an accessory building shall be determined as provided in Section 6-313 of this title.

(c) Variance permits to modify the provisions of this section may be granted in accordance with the applicable provisions of Chapter 6-1 of this title.

(Ord. 274 § 1, 1982: Ord. 243 § 2, 1981)

NOTE: These height provisions apply to accessory structures or buildings located in Residential Zoning Districts.

6-271 Definitions—Applicability.

(a) "Design review" means review of the aesthetic elements of a project. Reference elsewhere in this title or in conditions of approval to design approval, site plan and building elevations approval, or in the case of the environmental review commission, means design review under this article.

(b) "Gross floor area," under this article, means the total horizontal area in square feet of each floor within the exterior walls of all buildings on a parcel, including garages and carports as measured at the exterior face of the enclosing walls.

(c) This article applies to:

(1) New construction, exterior remodeling, or any change to a structure or facility which affects the exterior appearance, and which occurs in a multiple-family or commercial land use district (site plan and building elevations applications);

(2) A project or construction for which design review is required as a condition of approval;

(3) Any other projects for which design review is required; and

(4) New single-family residential construction which exceeds 6,000 square feet in gross floor area or an addition to an existing residence which will increase its gross floor area to over 6,000 square feet and which occurs in a single-family residential district.

(Ord. 386 § 2, 1991: Ord. 324 § 1 (part), 1984)

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R-20

Single-family Residential District-20

6-781 General.
6-782 Uses permitted.
6-783 Uses requiring a permit.
6-784 Lot area.
6-785 Lot width.
6-786 Lot depth.
6-787 Height.
6-788 Side yards.
6-789 Setback.
6-790 Rear yard.
6-791 Parking spaces.
6-792 Parking restrictions.
6-793 Modifiable sections.

NOTE: The City has other regulations, which may affect individual properties, including, but not limited to hillside development, structures over 17-ft. in height, development in excess of 6,000 sq. ft., tree protection, grading, and public art. Please review the Project Checklist available on the City of Lafayette web site at www.lovelafayette.org for an overview of regulations that might apply. You may consult Planning Services Division staff to ascertain which rules and regulations apply to any given project.

6-781 General.

All land in the single-family residential district-20 (map symbol R-20) shall be used in accordance with the provisions of this article. (Ord. 63 § 7 (part), 1972)

6-782 Uses permitted.

The following uses are permitted in the R-20 district:

(a) A detached single-family dwelling on each lot and the accessory structures and uses normally auxiliary to it;

(b) Foster home or family care home operated by a public agency, or by a private agency, which has obtained state or local approval (license) for the proposed operation, where not more than six minors reside on the premises with not more than two supervisory persons;

(c) Residential care home for the aged, operated by a public agency or by a private agency which has obtained state or local approval (license) for the proposed operation, where not more than six aged persons reside on the premises with not more than two supervisory persons;

(d) The keeping of livestock, as provided in Sections 6-523 and 6-524;

(e) A home occupation.

(Ord. 115 § 3 (part), 1973; Ord. 63 § 7 (part), 1972)

6-783 Uses requiring a permit.

In the R-20 district the following uses are permitted on the issuance of a land use permit:

(a) Residential businesses;

(b) Churches, religious institutions, and parochial and private schools, including nursery schools;

(c) A second unit which complies with Chapter 6-5, Article 3 of this title;

(d) Reserved.

(e) Publicly owned buildings and structures, except as provided in Section 6-516;

(f) Publicly owned parks and playgrounds;

(g) Community buildings, clubs and activities of a quasi-public, social or fraternal character; and private recreational facilities, such as golf clubs, swimming pools and tennis clubs, whether or not operated for profit;

(h) Crop and tree farming and horticulture;

(i) Small farming, including the raising of poultry or rabbits or other grain-fed rodents, exclusively for home consumption;

(j) Uses which the planning commission has found, after notice and hearing, to be comparable to the uses enumerated in this section;

(k) Multiple pet activity, but only on parcels of land 20,000 square feet in size or larger.

(Ord. 333 § 1 (part), 1985; Ord. 300 §§ 3 (part), 4 (part), 1984; Ord. 266 § 8, 1982; Ord. 120 §§ 1 (part), 2 (part), 1973; Ord. 115 § 5 (part), 1973; Ord. 63 § 7 (part), 1972)

6-784 Lot area.

No single-family dwelling or other structure permitted in the R-20 district shall be erected or placed on a lot less than 20,000 square feet in area. (Ord. 63 § 7 (part), 1972)

6-785 Lot width.

No single-family dwelling or other structure permitted in the R-20 district shall be erected or placed on a lot less than 120 feet in average width. (Ord. 63 § 7 (part), 1972)

6-786 Lot depth.

No single-family dwelling or other structure permitted in the R-20 district shall be erected or placed on a lot less than 120 feet deep. (Ord. 63 § 7 (part), 1972)

6-787 Height.

(a) No single-family dwelling or other structure permitted in this district may exceed 35 feet in height or two and one-half stories.

(b) Structures higher than 30 feet in height shall be subject to approval of the design review commission and the findings contained in Section 6-1905.

(Ord. 386 § 5 (part), 1991)

6-788 Side yards.

There shall be an aggregate side yard width of at least 35 feet for any structure in the R-20 district. No side yard shall be less than 15 feet wide. These minima may be reduced to three feet for an accessory building or structure if it is set back at least 65 feet from the front property line. (Ord. 63 § 7 (part), 1972)

6-789 Setback.

There shall be a setback (front yard) of at least 25 feet for any structure in the R-20 district; on corner lots the principal frontage of the lot shall have a setback of at least 25 feet and the other setback shall be at least 20 feet. (Ord. 63 § 7 (part), 1972)

6-790 Rear yard.

There shall be a rear yard for any principal structure in the R-20 district of at least 15 feet. There shall be a rear yard for accessory structures of at least three feet. (Ord. 63 § 7 (part), 1972)

6-791 Parking spaces.

Every dwelling unit permitted in the R-20 district shall have on the same lot or parcel enough automobile storage space for at least two automobiles; each parking space shall have minimum dimensions of at least ten feet by 20 feet, either covered or open, and shall not be located within the setback or sideyard area of a principal structure. (Ord. 63 § 7 (part), 1972)

6-792 Parking restrictions.

The provisions of Section 8125 of the Contra Costa County Ordinance Code apply to the R-20 district. (Ord. 63 § 7 (part), 1972)

6-793 Modifiable sections.

Land use permits for the special uses enumerated in Section 6-783, and variance permits to modify the provisions of Sections 6-784 to 6-792, inclusive, may be granted in accordance with the applicable provisions of Chapter 6-1 of this title. (Ord. 63 § 7 (part), 1972)

6-526 Height limitations in required yards.

(a) Accessory buildings, as defined in Section 6-302 of this title, and structures, as defined in Section 6-355 of this title, shall not exceed the following height limits, if constructed in the required setback (front yard), side yard or rear yard which is applicable to the main building or principal structure on the lot:

(1) Accessory buildings, 12 feet;

(2) Structures, six feet.

For example, if the rear yard for the principal structure is 15 feet, but the rear yard for an accessory building is three feet, any accessory building within the 15-foot rear yard required for the principal structure shall not exceed 12 feet in height.

(b) For the purpose of this section, the height of a structure shall be determined by measurement on its tallest side between natural grade and its highest part; and the height of an accessory building shall be determined as provided in Section 6-313 of this title.

(c) Variance permits to modify the provisions of this section may be granted in accordance with the applicable provisions of Chapter 6-1 of this title.

(Ord. 274 § 1, 1982: Ord. 243 § 2, 1981)

NOTE: These height provisions apply to accessory structures or buildings located in Residential Zoning Districts.

6-271 Definitions—Applicability.

(a) "Design review" means review of the aesthetic elements of a project. Reference elsewhere in this title or in conditions of approval to design approval, site plan and building elevations approval, or in the case of the environmental review commission, means design review under this article.

(b) "Gross floor area," under this article, means the total horizontal area in square feet of each floor within the exterior walls of all buildings on a parcel, including garages and carports as measured at the exterior face of the enclosing walls.

(c) This article applies to:

(1) New construction, exterior remodeling, or any change to a structure or facility which affects the exterior appearance, and which occurs in a multiple-family or commercial land use district (site plan and building elevations applications);

(2) A project or construction for which design review is required as a condition of approval;

(3) Any other projects for which design review is required; and

(4) New single-family residential construction which exceeds 6,000 square feet in gross floor area or an addition to an existing residence which will increase its gross floor area to over 6,000 square feet and which occurs in a single-family residential district.

(Ord. 386 § 2, 1991: Ord. 324 § 1 (part), 1984)

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MRP

Multiple-family Residential/Professional Office, One-story District

6-8101 General.
6-8102 Purpose.
6-8103 Uses permitted.
6-8104 Uses requiring a permit.
6-8105 Lot area.
6-8106 Lot width.
6-8107 Lot depth.
6-8108 Height.
6-8109 Property development standards.
6-8110 Parking space.
6-8111 Reserved.
6-8112 Design review.
6-8113 Modifiable sections.

NOTE: The City has other regulations, which may affect individual properties, including, but not limited to hillside development, structures over 17-ft. in height, development in excess of 6,000 sq. ft., tree protection, grading, and public art. Please review the Project Checklist available on the City of Lafayette web site at www.lovelafayette.org for an overview of regulations that might apply. You may consult Planning Services Division staff to ascertain which rules and regulations apply to any given project.

6-8101 General.

All land in the multiple-family residential/professional office, one-story district (map symbol M-R-P) shall be used in accordance with the provisions of this article. (Ord. 158 § 1 (part), 1976)

6-8102 Purpose.

The purpose of this article is to allow a mixture of one-story professional offices and multiple-family residences, in locations that are immediately adjacent both to low-density residential areas and to major streets. The regulations in this article are intended to require carefully conceived plans, at a physical scale compatible with nearby low-density residential areas; to preserve natural settings and a feeling of open space; to ensure attractive and compatible architectural treatment of structures; to achieve the optimum in quality development; and to provide for development which is consistent with the goals and policies and other provisions of the general plan. (Ord. 158 § 1 (part), 1976)

6-8103 Uses permitted.

The following uses are permitted in the M-R-P district:

(a) Duplexes;
(b) Multiple-family buildings;
(c) Home occupations;
(d) Professional offices and laboratories, such as medical and dental offices and clinics, or offices for attorneys, architects, engineers and individual and family counselors (not including group counseling), such as psychiatrists, sociologists and psychologists;
(e) Other uses determined by the planning director to be compatible with the purpose of the district, such as research uses, small real estate offices, insurance offices, offices of product manufacturers' or distributors' representatives, and similar small general business offices, but not including general retail sales of products or services such as clothing stores, furniture stores, beauty and barber shops, restaurants, food stores, automobile service stations and similar uses. (Before permitting a use not otherwise specifically permitted, the planning director shall find that the proposed use will not create additional pedestrian or vehicle traffic sufficient to substantially alter the character of residential development near land in the district, and shall find that the proposed use will not result in any audibly or visually obtrusive effect on residential development near land in the district.)

(Ord. 158 § 1 (part), 1976)

6-8104 Uses requiring a permit.

In the M-R-P district the following uses are permitted on the issuance of a land use permit:

(a) Residential businesses;
(b) Nursery schools;
(c) Publicly owned buildings and structures, except as provided in Section 6-516;
(d) Community buildings, clubs and activities of a quasi-public, social or fraternal character;
(e) Eleemosynary and philanthropic institutions, convalescent homes, and boarding homes;
(f) Uses which the planning commission has found, after notice and hearing, to be comparable to the above uses.

(Ord. 158 § 1 (part), 1976)

6-8105 Lot area.

No new lot may be created in the M-R-P district smaller than 10,000 square feet in area. (Ord. 158 § 1 (part), 1976)

6-8106 Lot width.

No new lot may be created in the M-R-P district with an average width of less than 80 feet. (Ord. 158 § 1 (part), 1976)

6-8107 Lot depth.

No new lot may be created in the M-R-P district with a depth of less than 90 feet. (Ord. 158 § 1 (part), 1976)

6-8108 Height.

No building in the M-R-P district may exceed 20 feet or one story in height. (Ord. 158 § 1 (part), 1976)

6-8109 Property development standards.

There are no minimum standards for setback, side and rear yard, lot coverage and landscaping. The lack of such requirements is intended to stimulate quality design by allowing designers a considerable range of flexibility. During the review process, however, the planning commission may impose such conditions as it deems necessary to assure, in any development proposal, provision of adequate privacy, open space, general appearance, landscaping, parking, circulation, and relationship to natural and manmade elements of the environment. (Ord. 158 § 1 (part), 1976)

6-8110 Parking space.

(a) Off-street parking shall be provided on the same lot, convenient to all offices and dwelling units, in accordance with the following schedule:

(1) One-bedroom units, 1.0 space per unit;

(2) Two-bedroom units, 1.2 spaces per unit;

(3) Three or more bedroom units, 1.5 spaces per unit;

(4) Offices, 1 space per 200 net rentable square feet of office space.

(b) In addition, for multifamily residential developments, one guest parking space shall be provided for each five dwelling units. A minimum of one parking space per dwelling unit shall be covered.

(Ord. 158 § 1 (part), 1976)

6-8111 Reserved.

6-8112 Design review.

All new construction and all remodeling of a structure when the completed new work will be visible from public property, or when the nature of the use will be changed, shall be subject to the design review requirements and procedures set forth in Part 1 of this title. (Ord. 324 § 2(d) (part), 1984: Ord. 158 § 1 (part), 1976)

6-8113 Modifiable sections.

Land use permits for the special uses enumerated in Section 6-8104 and variance permits to modify the provisions of Sections 6-8105 to 6-8111, inclusive, may be granted in accordance with the applicable provisions of Chapter 6-1 of this title. (Ord. 158 § 1 (part), 1976)

TABLE 6-622

OFF-STREET PARKING DIMENSIONS

Standard Stalls

W = 9.0_ Stalls

Angle	L	D	A	N	P
0°	22.0	8.0	*12.0	20.0	28.0
30°	18.0	17.5	*12.0	29.5	47.0
35°	15.7	16.5	*12.0	30.5	48.5
40°	14.0	19.0	*12.0	31.0	50.0
45°	12.7	20.0	*12.0	32.0	51.5
50°	11.7	20.5	*12.0	32.5	52.5
55°	11.0	21.0	*13.0	34.0	54.5
60°	10.4	21.0	*15.0	36.0	57.0
65°	9.9	21.0	*18.0	39.0	60.0
70°	9.6	21.0	**21.0	42.0	63.0
90°	9.0	19.0	26.0	45.0	64.0
		W = 9.5_			
90°	9.5	19.0	25.0	44.0	63.0
		W = 10.0_			
90°	10.0	19.0	23.0	42.0	61.0
		W = 10.5_			
90°	10.5	19.0	21.0	40.0	59.0

Compact Stalls

W - 8.0_ Stalls

Angle	L	D	A	N	P
0°	20.0	7.0	*12.0	19.0	26.0
30°	16.0	15.0	*12.0	27.0	42.0
35°	13.9	15.5	*12.0	27.5	43.0
40°	12.4	16.5	*12.0	28.5	44.0
45°	11.3	17.0	*12.0	29.0	46.0
50°	10.4	17.5	*12.0	29.5	47.0
55°	9.8	17.5	*13.0	30.5	48.0
60°	9.2	18.5	*15.0	33.5	52.0
65°	8.8	18.0	*18.0	36.0	54.0
70°	8.5	18.0	**21.00	39.0	57.0
90°	8.0	16.0	26.0	42.0	58.0

* For one-way aisles only. Minimum width for primary two-way aisles is 26.0 feet and for secondary two-way aisles is 19.0 feet.

** For one-way aisles only. Minimum width for primary two-way aisles is 26.0 feet and for secondary aisles is 21.0 feet.

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MRT

Multiple-family Residential Townhouse District

6-881 General.
6-882 Purpose.
6-883 Uses permitted.
6-884 Uses requiring a permit.
6-885 Density.
6-886 Height.
6-887 Property development standards.
6-888 Open space.
6-889 Design review.
6-890 Parking.
6-891 Site plan and building elevation approval.
6-892 Modifiable sections.

NOTE: The City has other regulations, which may affect individual properties, including, but not limited to hillside development, structures over 17-ft. in height, development in excess of 6,000 sq. ft., tree protection, grading, and public art. Please review the Project Checklist available on the City of Lafayette web site at www.lovelafayette.org for an overview of regulations that might apply. You may consult Planning Services Division staff to ascertain which rules and regulations apply to any given project.

Multiple-family Residential Townhouse District

6-881 General.

All land in the multiple-family residential townhouse district (map symbol M-R-T) shall be used in accordance with the provisions of this article. (Ord. 129 § 2 (part), 1974)

6-882 Purpose.

The purpose of this article is to provide a medium-density residential district for townhouse development, which will be consistent with and further the city's overall planning objective of the preservation and enhancement of its semirural residential character. The regulations in this article are intended to require carefully conceived plans at a physical scale compatible with nearby residential areas; to preserve natural settings and open space; to ensure attractive and compatible architectural treatment of structures; to achieve the optimum in quality development, preservation of the environment, enhancement of the tax base, and beneficial use of available land; and to provide for development which is consistent with the goals and policies and other provisions of the general plan. (Ord. 314 § 1 (part), 1984: Ord. 129 § 2 (part), 1974)

6-883 Uses permitted.

The following uses are permitted in the M-R-T district:

(a) Townhouses;

(b) Foster homes or family care homes operated by a public agency, or by a private agency which has obtained state or local approval (license) for the proposed operation, where not more than six minors reside on the premises with not more than two supervisory persons;

(c) Residential care homes for the aged, operated by a public agency, or by a private agency which has obtained state or local approval (license) for the proposed operation, where not more than six aged persons reside on the premises with not more than two supervisory persons;

(d) Home occupations.

(Ord. 129 § 2 (part), 1974)

6-884 Uses requiring a permit.

In the M-R-T district, the following uses are permitted on the issuance of a land use permit:

(a) Residential businesses;

(b) Eleemosynary and philanthropic institutions, convalescent homes and boarding homes;

(c) Uses which the planning commission has found, after notice and hearing, to be comparable to the above uses.

(Ord. 129 § 2 (part), 1974)

6-885 Density.

The maximum number of dwelling units permitted on any lot in the M-R-T district shall conform to the general plan density range for that area. (Ord. 314 § 1 (part), 1984: Ord. 129 § 2 (part), 1974)

6-886 Height.

No building in the M-R-T district may exceed 25 feet in height. (Ord. 129 § 2 (part), 1974)

6-887 Property development standards.

There are no minimum standards for lot area, setback, side and rear yard, and lot coverage in the M-R-T district. This is intended to allow flexibility in design. During the review process, the planning commission may impose such conditions as it deems necessary to assure in any development proposal

provision of adequate privacy, general appearance and relationship to the natural and manmade elements of the environment. (Ord. 314 § 1 (part), 1984: Ord. 129 § 2 (part), 1974)

6-888 Open space.

A minimum of 50 percent of the ground level of a lot in the M-R-T district shall not be occupied by buildings, structures or pavement for automobiles, but shall be maintained as open space and devoted to landscaping. Open space includes landscaped open space and ground-level private open space. (Ord. 314 § 1 (part), 1984: Ord. 129 § 2 (part), 1974)

6-889 Design review.

All new construction and all remodeling of a structure when the completed new work will be visible from public property, or when the nature of the use will be changed, shall be subject to the design review requirements and procedures set forth in Part 1 of this title. (Ord. 324 § 2(d) (part), 1984: Ord. 314 § 1 (part), 1984: Ord. 129 § 2 (part), 1974)

6-890 Parking.

(a) In the M-R-T district off-street parking shall be provided on the same lot, convenient to all dwelling units, in accordance with the following schedule:

(1) One-bedroom units, 1.5 spaces per unit;

(2) Two or more bedroom units, 2.0 spaces per unit.

(b) In addition, one guest parking space shall be provided for each five dwelling units. A minimum of one parking space per unit shall be covered.

(c) The provisions of Chapter 6-6 of this title apply to the M-R-T district.

(Ord. 314 § 1 (part), 1984: Ord. 129 § 2 (part), 1974)

6-891 Site plan and building elevation approval.

(a) In the M-R-T district no building shall be constructed or altered or painted a new color in such a manner as to affect exterior appearance, unless plans for such proposal have been approved pursuant to the site plan and building elevations requirements set forth in Part 1 of this title.

(b) Design review of townhouses shall include special emphasis to ensure that building styles and forms, clustering arrangements, heights, materials, colors, street alignments, grading approaches and introduced plantings are designed in a manner which is harmonious and consistent with nearby residential units and which minimizes visual impact from public property.

(Ord. 314 § 1 (part), 1984)

6-892 Modifiable sections.

Land use permits for the special uses enumerated in Section 6-834 and variance permits to modify the provisions of Sections 6-886, 6-888, 6-889 and 6-890 may be granted in accordance with the applicable provisions of Chapter 6-2 of this title. (Ord. 314 § 1 (part), 1984)

Excerpt from Land Use Chapter of the Lafayette General Plan

Goal LU-13: **Ensure that the Eastern Deer Hill Road area near the intersection of Pleasant Hill Road is developed, where development is appropriate, in a manner consistent with Lafayette's community identity.**

Policy LU-13.1 Preserve and enhance the semi-rural single-family residential character north of Deer Hill Road where not adjacent to Pleasant Hill Road.

Policy LU-13.2 Consider options for development south of Deer Hill Road and north of Deer Hill Road where adjacent to Pleasant Hill Road.

Program LU-13.2.2: Prepare through a community planning process an Eastern Deer Hill Road Specific Plan that includes the following requirements:

a) Protect and enhance the rural character of the area north of Deer Hill Road where not adjacent to Pleasant Hill Road.
b) Preserve prominent views.
c) Include development standards that maintain the semi-rural character of the area and the community.
d) Utilize the property south of Deer Hill Road to help communicate the image of Lafayette as a semi-rural community.

Remainder of Deer Hill Road Corridor (from Elizabeth Street west to Happy Valley Road)

Due to the proximity to the Downtown and the BART station, this section of Deer Hill Road and the single-family neighborhood that lies north of Deer Hill Road are constantly faced with development pressures to utilize the infill areas more intensively than currently planned or zoned It is the specific intent of the community to restrict commercial and multifamily uses to the south side of the freeway, which in this area is the terminus of the Downtown to the south, in order to protect the single-family residential neighborhoods that lie north of the freeway.

Goal LU-14: **Protect the single-family residential neighborhoods north of Hwy 24 from commercial and multi family development.**

Policy LU-14.1 Continue to maintain the freeway as the dividing line separating the Downtown from the semi-rural, single-family residential areas to the north.

Program LU-14.1.1 Consistent with the community's identity, allow only those uses on Deer Hill Road that are permitted by right, or with a use permit, in the single-family residential zoning districts.